

REMARKS

Responsive to the Office Action dated August 6, 2005, the necessity of the reformulated rejections at this late date and after multiple actions based on Brooks and Ackerly is not understood. An appeal of this reformulated rejection is justified, but deferred temporarily pending consideration of these comments.

Despite Applicants' filing of a Notice of Appeal and the desire to subject this application to appellate review, the rejections were reformulated after Appeal and the new Office Action has now issued. Notwithstanding the citation of Richardson which is only a tertiary reference, the new Office Action merely constitutes a reversal of Ackerly and Brooks. As discussed herein, the numerous deficiencies of these references have been addressed in detail and remain regardless of which reference is made the primary reference.

The existence of Brooks and Ackerly has not changed between the last five Office Actions, yet six claims were previously allowed over these references and allowance has now been withdrawn, while three allowable dependent claims are also now rejected. Applicants have made significant efforts and incurred significant and unnecessary expenses in its extensive effort to place this application in condition for allowance, and Applicants are seriously concerned over the allowance of claims and then the subsequent rejection of claims over the same art.

In fact, through the course of six Office Actions, many of the claims were twice allowed and allowance was withdrawn, while a number of other claims were once allowed or found allowable and allowance subsequently was withdraw. For example, Claim 8 was initially allowed, then rejected over Brooks and Ackerly, then allowed over Brooks and Ackerly and then again rejected over Ackerly and Brooks, notably after the filing of the Notice of Appeal. While thorough examination of an application is accepted and in fact appreciated, Applicants will also strenuously contest those rejections that are

deficient such as the present combination of Ackerly and Brooks.

While Applicants have the right to continue its appeal, this response is being filed to address the reformulated rejections in advance of continuing its appeal. Also, the claims are again revised to further clarify the invention and various features believed inherent in the claims, although simply put, the claims are believed allowable whether amended or not.

As to the rejections, Applicants reiterate that the rejection, whether Ackerly in view of Brooks or Brooks in view of Ackerly, does not disclose the claimed glass panel assembly.

In Applicants May 5, 2004 response, it was acknowledged that Brooks and Ackerly at best disclose the addition of a raceway to the top edge of a wall panel. A copy of Exhibit 1 from this May 5 response is again submitted herewith. However, these references in combination teach nothing more as to modifying an existing glass panel frame to construct Applicants' claimed invention. The only teaching for the claimed invention can only come from the impermissible use of hindsight.

As to the claims, independent Claims 1, 2, 6, 8, 14, 15, and 16 are now rejected over the base combination of Ackerly in view of Brooks with some additional references being cited relative to specific features some of these claims. Of these claims, Claims 8, 15 and 16 were previously allowed over the same basic art. The claims are discussed as follows.

Claim 1

Claim 1 defines the basic combination of 1) a support structure and 2) a glass panel assembly having an edge frame and a sheet of glass wherein the sheet of glass is carried by the edge frame to define the glass panel assembly and the edge frame in turn is mounted to the support structure. The edge frame includes a rigid edge rail that supports the sheet of

glass along the glass edge. The edge rail has the fixing channel wherein the channel walls are formed of a rigid material and define rigid opposing interior wall surfaces. The glass edge is in tight-fitting compressive contact with these rigid wall surfaces wherein the glass edge is received within the fixing channel to thereby join the sheet of glass to the edge frame.

Ackerly and Brooks do not disclose this combination. First as to Ackerly, the Office Action intermixes reference numerals to two different glass panels. As seen in Figures 1, 27 and 31, the top glass panel has structures 164, 166, 169, 170, OT. As seen in Figures 1 and 31, the bottom glass panel has structures, 293, 305, 306. These are two different glass panels.

For either glass panel, it seems that each depends upon part 321 as allegedly being "a support/connector part panel structure" for either the top panel or the bottom panel.

As to the bottom glass panel of Ackerly, the I-beam section 321 actually forms one half of the channel in which the glass 293 is received. The other half of the channel 306 is part of an "L-shaped glass captor 305" which snaps into the I-beam 321. Hence, the bottom glass panel does not have an edge panel with an edge rail with channel walls wherein the edge frame then mounts to the support structure. Thus, the bottom glass panel of Ackerly seems to clearly distinguish from Claim 1, and further discussion thereof is not required.

As to the top glass panel, this glass panel has an oversized channel with side walls spaced outwardly of the glass wherein "wipers" 172 and 173 are provided in contact with the glass, intermediate the glass and channel walls. These wipers are believed conventional elastomeric gaskets and in support, wipers 234 are referenced as "biasing" the glass pane wherein biasing conventionally refers to resilient biasing like in an elastomer. Notably, the lower glass panel of Ackerly also requires such wipers.

Claim 1, however, defines the glass edge as being in tight-fitting compressive contact with the rigid opposing interior wall surfaces of the deflectable channel wall and the other channel wall. Claim 1 defines contact between the rigid wall surface and the glass face.

Ackerly, however, does not have rigid contact of a frame with the glass and in fact, requires the wipers to contact the glass. These wipers and the clearance space between the side walls of the channel are believed required in Ackerly since Column 13, line 65 through Column 14, line 3 disclose that assembly is accomplished by sliding the glass 164 upwardly into the recess 189 and then slid back downwardly. This shifting assembly of Ackerly would be prevented by the claimed rigid face to face contact defined in Claim 1.

Brooks does not cure the deficiencies of Ackerly since it only relates to a cable raceway provided only for the top of a completed wall panel. The cable raceway is completely unrelated to glass panels, and provides no teaching or suggestion of eliminating the wipers of Ackerly and then reshaping and resizing the Ackerly channel to provide tight fitting, rigid face to face contact. This constitutes a complete reconstruction of Ackerly and the existence of a cable raceway does not provide any teaching or motivation of such reconstruction.

As such, Claim 1 is allowable.

Claim 2

Claim 2 similarly is allowable. This claim also defines an edge rail of the glass panel assembly edge frame as having rigid opposing interior wall surfaces of a channel as being in tight fitting gripping contact with the glass edge. One of the channel walls is resiliently deflectable to permit such rigid, compressive contact. Further, the elongate projection thereof is rigid to define one of the rigid interior wall surfaces such that the projection contacts the opposing glass face substantially continuously along the length of the edge rail.

Here again, Ackerly only discloses wipers and does not disclose rigid face to face contact between the glass and channel. Further, the cable raceway of Brooks does not provide any teaching to eliminate wipers from a glass panel frame.

Also, Takagi only discloses a hinged door and not a deflectable rigid channel wall. Hence, Takagi does not disclose, teach or suggest two channel walls made of a rigid material where one is deflectable and permits insertion of the glass edge into the channel and the gripping contact of the glass edge.

As to Richardson and Claim 3, Richardson seems to merely be cited as showing a general shape, and like Takagi and Brooks, these references seem to be cited in isolation because of isolated features thereof without regard to what the entirety of these references would teach to the skilled artisan. Hence, Applicants claimed combination of features is not disclosed, taught or suggested by the applied art.

Claim 8

Claim 8 defines a similar combination as the claims above in that rigid opposing interior wall surfaces are in tight fitting gripping contact with the glass edge and one of the channel walls is deflectable. Further, while undercuts might be known, this does not cure the deficiencies of Brooks and Ackerly which do not disclose Applicants basic combination.

Claim 14

This claim defines a wall panel, with this claim further defining the rigid interior wall surfaces being disposed in rigid contact with said glass faces. As discussed above, the prior art does not disclose such features as claimed.

Claim 15

This claim further defines the rigid gripping contact of the glass in a wall panel configuration. Further, the elongate

rigid projection is defined therein so as to rigidly contact the opposing glass face. Ackerly and Brooks do not teach this combination as discussed above.

Claim 16

This claim is similar to those above and is allowable for the reasons discussed previously relative to Ackerly and Brooks. Further, this claim defines each fixing channel having an interior end face against which the glass edge abuts when disposed within the fixing channel. In that Ackerly requires space within the channels to achieve the assembly step, Ackerly cannot disclose the features of Claim 16.

Dependent Claims

Applicants have further comments as to the dependent claims.

As to Claim 7, this claim defines each of the vertical edge sections of the glass as being supported along the vertical length by one fixing channel. Notably, Brooks is only applicable to the top edge. As to routing cables vertically, Brooks only discloses structures 33, 34, 36 and 37 which mount to the wall panel face. It is believed one would only mount to the wall panel face since adjacent wall panels abut against each other and logically prevent mounting of the raceway 20 on these vertical edges.

Claims 17 and 28 similarly define the vertical orientation and are allowable.

Claim 9 is allowable as discussed above as to Claim 8. Further, Richardson only discloses an isolated feature without regard to the full disclosure. Richardson is therefore not believe to support the rejection of Claim 9.

Claim 10 defines the interior wall surfaces as being non-compressible. As discussed above, Ackerly requires wipers that are believed to be compressible and also are disposed intermediate the glass and channel walls in Ackerly.

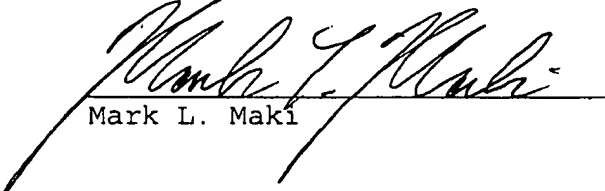
Claim 13 defines the combination of a projection on one glass side and a flat surface on the other side. There is no

disclosure of this combination of a projection and flat surface.

Based on the foregoing, all of the pending claims are believed allowable. In that the base combination of Ackerly/Brooks, Brooks/Ackerly at best teach only that illustrated in Exhibit 1 attached hereto, the arguments have necessarily focused on this basic combination. However, for appeal, Applicants reserve the right to further expand its discussion of the additional features and particular, the citation of the isolated features of Brooks, Takagi and Richardson which are believed to solely result from hindsight reasoning.

Further consideration is respected.

Respectfully submitted,


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EXHIBIT 1

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